

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

GARY L. GENTRY,)	
)	
Plaintiff,)	
v.)	No. 3:14-CV-191-PLR-HBG
)	
DENNIS NICELY, <i>et al.</i> ,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, Standing Order 13-02, and referral from the District Judge [Doc. 33] on the Defendants' Motion For Sanctions/Dismissal [Doc. 32], filed on February 16, 2015.

The Defendants give notice of the Plaintiff's failure to comply with the Court's Order dated January 14, 2015 [Doc. 28], which ordered the Plaintiff to serve Defendants with discovery responses. The Plaintiff had been ordered to serve the responses on or before February 13, 2015. The Plaintiff failed to do so.

The Plaintiff has not filed a response in opposition to the Motion, and his time for doing so has expired.

The Defendants filed a Supplement [Doc. 34] to the Motion on March 18, 2015, stating that the Plaintiff still has not responded to the discovery requests originally served on him in September, 2014.

In the Court' Order of January 14, 2015, granting the Defendant's Motion to Compel discovery, the Court admonished the Plaintiff that failure to comply "is likely to result in the

imposition of sanctions including. . . a recommendation that this case be dismissed, pursuant to Rule 37(b) of the Federal Rules of Civil Procedure.”

The Court finds that the sanction of dismissal of the lawsuit is appropriate under these circumstances. Accordingly, the Court **RECOMMENDS**¹ that the District Judge dismiss this case, with prejudice, for failure to comply with discovery obligations and this Court’s Order on discovery.

Respectfully submitted,


United States Magistrate Judge

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court’s order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).